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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 2, 1871.

Read twice and referred to the Committee on the Judiciary.

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AN ACT

To divide the State of Ohio into three judicial districts, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the State of Ohio be, and the same is hereby, divided  
4       into three judicial districts, as follows, to wit: The counties of  
5       Jefferson, Carroll, Stark, Wayne, Ashland, Richland, Craw-  
6       ford, Wyandott, Hancock, Putnam, and Paulding, together  
7       with all that part of the State lying north of said counties,  
8       shall compose and be known as the northern district of Ohio.  
9       The counties of Preble, Montgomery, Warren, Clinton, Fay-  
10      ette, Ross, Vinton, and Meigs, together with all that part of  
11      the said State lying south of said last-mentioned counties, shall  
12      compose and be known as the southern district of Ohio. And  
13      all the residue of said State shall compose and be known as  
14      the middle district of Ohio. And courts shall be held for said  
15      northern district at Cleveland and at Toledo; for said south-

ern district at Cincinnati ; and for said middle district at Columbus and at Marietta, in said State.

1        SEC. 2. *And be it further enacted,* That there shall be  
2 two terms of the district and circuit courts of the United  
3 States held for said middle district at the city of Columbus  
4 on the first Tuesdays of January and June in each year.  
5 And courts shall be held at Marietta and Toledo, respectively,  
6 at such times as may be appointed by the courts or judges of  
7 said middle and northern districts respectively, and at least  
8 once in each year. And adjourned terms at any and all said  
9 places may be held whenever the business before such courts,  
10 respectively, shall, in the opinion of said courts or judges, re-  
11 spectively, require it.

1        SEC. 3. *And be it further enacted,* That all suits, pro-  
2 cess, and proceedings of whatever name or nature, now pend-  
3 ing in the circuit or district courts of the United States for  
4 the northern and the southern districts of Ohio, shall be tried,  
5 returned, proceeded in, and disposed of in the circuit and  
6 district courts of said northern and southern districts, respec-  
7 tively, in all respects as if this act had not been passed :  
8 *Provided,* That upon the application of any party to any suit  
9 now pending and undisposed of in either of said districts,  
10 which would have been commenced in the middle district  
11 if this act had been in force before the commencement of  
12 said suit, the proper court in said northern or southern dis-

13 trict may and, if all parties consent, shall order that the  
14 same be removed for further proceedings, and final judgment,  
15 order, or decree, to the proper court for the said middle  
16 district; and thereupon the proper clerk of said northern  
17 or southern district shall transmit all the papers in the  
18 cause, with a transcript of the journal entries, including  
19 the order of removal therein, to the clerk of the proper court  
20 in said middle district; and all further proceedings shall be  
21 had therein in the court or courts of said middle district, as  
22 if the suit had been originally commenced therein.

1       SEC. 4. *And be it further enacted*, That final process  
2 upon any final order, judgment, or decree entered in the cir-  
3 cuit or district court of the United States for the northern  
4 or the southern district aforesaid, and all other process and  
5 proceedings, direct or collateral, for the enforcement thereof,  
6 or of any interlocutory order or rule of said courts respectively,  
7 in any cause now pending therein, except in causes removed  
8 as hereinbefore provided, shall be issued from, made return-  
9 able to, and had in the proper court of said northern or south-  
10 ern district respectively, and such process may be served and  
11 executed by the marshals of said districts respectively, as if  
12 this act had not been passed.

1       SEC. 5. *And be it further enacted*, That there be ap-  
2 pointed a district judge for the said middle district of Ohio,  
3 who shall possess the same powers, and do and perform all  
4 such duties in his district as are now exercised by or enjoined

5 upon or in any wise appertaining to the present district judges  
6 for the northern and southern districts of Ohio respectively ;  
7 and said district judge shall be entitled to the same compen-  
8 sation as by law is provided for the present district judge for  
9 the said southern district.

1       SEC. 6. *And be it further enacted,* That there be ap-  
2 pointed one person as district attorney, one person as clerk  
3 of said courts, and one person as marshal for said middle dis-  
4 trict of Ohio, whose qualifications, manner, and terms of ap-  
5 pointment, and service, as well as whose duties and emolu-  
6 ments, shall be the same with those respectively appertaining  
7 to the like officers in the present southern district of said  
8 State.

1       SEC. 7. *And be it further enacted,* That all suits here-  
2 after to be brought in either of said districts not of a local  
3 nature shall be brought in the proper court of the district  
4 where the defendant resides, but if there be more than one  
5 defendant, and the defendants reside in different districts, the  
6 plaintiff may sue in either, and send duplicate writs against the  
7 defendants in other districts directed to the marshals thereof,  
8 respectively, which writs shall be executed by said marshals  
9 respectively, and returned to the court or clerk's office from  
10 which the same were issued, and if service has been had  
11 upon any defendant resident of the district in which the suit  
12 is brought, the suit shall proceed to final judgment or decree  
13 against all the defendants as if all resided in said district.

1        SEC. 8. *And be it further enacted*, That in the said  
2 northern and middle districts, respectively, the judges of the  
3 district courts, respectively, may designate the cases to be  
4 tried at Toledo and Marietta, respectively, and thereupon the  
5 cases shall be tried as designated, as at nisi prius; venires,  
6 subpœnas for witnesses, and other mesne process being made  
7 returnable to said places, respectively, accordingly.

1        SEC. 9. *And be it further enacted*, That until perma-  
2 nent places are designated and provided, in pursuance of law,  
3 it shall be the duty of the marshals of said northern and  
4 middle districts, respectively, to provide suitable rooms and  
5 places for holding said courts at Toledo, Columbus, and  
6 Marietta, respectively, the reasonable expense thereof to be  
7 paid from moneys heretofore, or which may hereafter be,  
8 appropriated for the judicial branch and service of the  
9 Government.

1        SEC. 10. *And be it further enacted*, That all acts and  
2 parts of acts inconsistent with the provisions of this act be,  
3 and the same are hereby, repealed: *Provided*, That the  
4 ninth census shall be completed in all respects as if this act  
5 had not been passed: *And provided further*, That nothing  
6 herein shall affect existing officers nor existing laws, except  
7 as herein modified.

Passed the House of Representatives February 1, 1871.

Attest:

EDWARD McPHERSON, *Clerk*.